



Application no. 10/714,305

rfw

April 24, 2006

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 1756 - Examiner Chacko Davis, Daborah

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/714,305
File Date: 11/14/2003
Inventor: Jei-Wei Chang
Examiner: Chacko Davis, Daborah
Art Unit: 1756
Title: Single Layer Resist Liftoff Process for Nano Track Width

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated March 24, 2006. In that office action, restriction was required to one of the following Inventions under

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2006.

Signature

Stephen B. Ackerman, Reg. No. 37,761

Date: April 24, 2006

35 U.S.C. 121:

Group I. - Claims 1-9 and 32-35, drawn a method, classified in Class 430, subclass 329.

Group II. - Claims 10-31, drawn a method, classified in Class 430, subclass 320.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-9 and 32-35, drawn to a method, classified in Class 430, subclass 329. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action.

The Examiner states that Inventions I and II are unrelated, and that inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01), and that in the instant case the different inventions have different modes of operation and have different functions. However, upon reading the Invention II Claims against the Claims of Invention I, it can be seen that Invention II claims a plasma etch method of a silicon nitride layer using three gases to yield substantially no plasma etch bias, and that Invention I has similar claims, so

that the different inventions have similar modes of operation and effects. Further, the field of search must necessarily cover both Group I class/subclass 430/329 and Group II class/subclass 430/320, in addition to other related classes and subclasses, to provide a complete and adequate search. The fields of search for Groups I and II are clearly and necessarily co-extensive.

Finally, it is respectfully suggested that these reasons are insufficient to place the additional cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No. 37,761
(845) 452-5863